



Signed and Filed: January 22, 2021

A handwritten signature in black ink, reading "Dennis Montali", is positioned above the judge's name.

DENNIS MONTALI
U.S. Bankruptcy Judge

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UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

In re

BENJA INCORPORATED

Debtor.

Case No. 20-30819 DM

Chapter 11

**ORDER GRANTING TRUSTEE'S
EX PARTE APPLICATION FOR
AN ORDER PURSUANT TO RULE
2004 FOR PRODUCTION OF
DOCUMENTS AND
EXAMINATION OF BRETT
BUERCK**

The Court having reviewed the Trustee's Ex Parte Application for an Order Pursuant to Rule 2004 for Production of Documents and Examination of Brett Buerck (the "Application"), and good cause appearing:

IT IS ORDERED that:

1. The Application is granted as provided herein.
2. Brett Buerck ("Buerck") shall produce documents identified in Exhibit A attached hereto no later than 15 days from service of this Order.
3. Buerck shall appear for an examination via video conference or such other method as may agreed upon by the Trustee and Buerck at a mutually agreed upon date but not later than 14 days after production of the documents as required above.
4. The Trustee may issue any process that he determines may be necessary in

1 conjunction with this Order.

- 2 5. This Order applies in any converted case and the Chapter 7 trustee appointed in the
3 converted case is authorized to take the examination and obtain the documents
4 provided for in this Order without the need for a new application pursuant to Rule
5 2004.

6 ** END OF ORDER **

1 **EXHIBIT A**

2 **Instructions and Definitions**

3 A. **“Document”** and **“Documents”** shall have the same definition as contemplated by
4 the Federal Rules of Civil Procedure 26 or 34, including, without limitation, all papers,
5 writings, and records of every type and description, all written, recorded and graphic matter of
6 every type and description, contracts, receipts, buy orders, canceled checks, drafts, invoices,
7 statements, memoranda, corporate minutes, bulletins, intra- and interoffice communications,
8 books of account, worksheets, desk diaries, appointment books, expense accounts, recordings,
9 notes of conversations, notes of meetings and conferences, telegraphic communications, stock
10 certificates, pamphlets, schedules, studies, books, computer printouts, reports, photographs,
11 maps, charts, photographic records, tapes, transcriptions of tapes, and any other device or
12 medium on or through which information of any type is transmitted, recorded, or preserved.
13 The term **“document”** also encompasses all matters, instruments or other means of electronic
14 storage or other forms of media, including e-mails and other electronically stored information.
15 The term **“document”** also means every copy of a document where such copy is not an identical
16 duplicate of the original.

17 B. The term **“Communication(s)”** or **“Communication(s)”** includes any contact,
18 regardless of method between two or more persons, organizations, companies or other business
19 entities, regardless of form, and shall include, without limitation, meetings, conferences,
20 negotiations, telephone conversations, text messages or any other form of verbal or written
21 exchange of information in the form of facts, ideas, inquiries, or otherwise.

22 C. The term **“Buerck”** means Brett Buerck or entity owned or controlled by Buerck or
23 any agents and anyone else acting on his behalf.

24 D. The term **“Debtor”** means Benja Incorporated and any of its officers, directors,
25 shareholders, employees, agents, lawyers, as well as any related entities that are or were owned
26 by Debtor and any predecessors or successors in interest, including EPHE Corp and any person
27 acting on their behalf.
28

1 E. The term “**Chapin**” means Andrew Chapin and any of his employees, agents,
2 lawyers or anyone acting on his behalf.

3 **DOCUMENTS TO BE PRODUCED**

- 4 1. All Documents concerning any investment made by Buerck in the Debtor.
5 2. All Communications regarding any investment in the Debtor, including but not
6 limited to, emails and text messages to the Debtor.
7 3. All Communications regarding any loans by Buerck to the Debtor.
8 4. All Communications with the Debtor or anyone acting on its behalf.
9 5. All Communications with Chapin.
10 6. All Communications with Thomas Goode.
11 7. All Documents evidencing any funds Buerck received from the Debtor, including
12 but not limited to, checks, wire information and any Documents or Communications
13 in connection therewith.
14 8. Documents evidencing any demands for payment from the Debtor.
15 9. All Communications with any creditor of the Debtor.

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